

**BRIEF DESCRIPTION OF THE DRAWINGS**

Please add the following at page 5, between lines 13 and 14:

**DETAILED DESCRIPTION OF EXEMPLARY EMBODIMENTS**

Please replace the title at page 15, before claim 1:

~~CLAIMS~~ WHAT IS CLAIMED IS:

**REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested.

In response to the rejection of claims 1-3 under 35 U.S.C. §112, second paragraph, amendments have been made so as to obviate the Examiner's stated concerns. In particular, the phrase "in use" has been deleted from claim 1. Claim 1 has also been amended so as to emphasize the fact that applicant's sequence numbers run in a single sequence across plural layers of the layered encoding algorithm thus hopefully avoiding any confusion in claim 3.

More particularly, the applicant has disclosed two alternative modes of operation. In a first mode, numbers are inserted into the packets to which they refer. In the second mode, extra packets are generated to carry the numbers. See, for example, page 11, lines 4-14 of the specification. It is the second alternative mode to which claim 3 is directed. The first alternative mode is more particularly described in claims such as claim 9 and new claim 14. The second mode is also described at new claim 15, for example.

Accordingly, all outstanding formal issues are believed to have been resolved in the applicant's favor.

The Notification of Acceptance mailed 4 May 2001 in this US national phase proceeding acknowledges that the USPTO has received the International Preliminary Examination Report as well as the International Search Report and copies of references cited therein. However, since these references are not included in the Notice of References Cited PTO-892 accompanying the

Office Action, a copy of the IPER and the a PTO-1449 identifying all such references is attached.

It is presumed that the Examiner has in fact already considered these references since they were duly received at the USPTO. It is, however, requested that the Examiner return a fully initialed copy of the Form PTO-1449 identifying these references particularly so that they will be printed on the face of an issued patent.

Under these circumstances, it is not believed that any additional IDS fee should be required for this stage of prosecution. However, if it is, then authority is hereby granted to charge such fee to our Account No. 14-1140.

The allowance of claim 8 and the provisional allowance of claims 2 and 6 is appreciatively noted.

The rejection of claims 1, 3, 4, 5 and 7 under 35 U.S.C. §103 as allegedly being made "obvious" based on the single Paul '005 reference is respectfully traversed.

Paul discloses layered video streaming (e.g., in the title); packetization (column 5, lines 8 to 11) and the conveyance of different layers in different sequences (column 4, lines 3 to 7). He also discloses a packet sequence number (column 4, lines 38 to 42). And the passage cited by the Examiner at column 6, lines 39 to 43 teaches that the multiplexer 125 is able to get the received frames into the correct order. Paul however fails to disclose or suggest all features of the applicant's claimed invention.

A main problem that the present invention addresses is one that arises when streaming layered video with each layer being transmitted over a separate sequence of packets. Although most protocols (e.g., RTP as discussed in the specification) provide some system of packet numbering, this operates only within a layer and merely enables one to resolve sequence problems within that one single layer. The applicant's claimed invention addresses this problem by generating a single sequence of numbers, across all layers, to ensure that the correct decode sequence can be assembled at the receiver.

Paul fails to disclose or suggest this. The reference in column 4 to a sequence number merely discloses that there is some form of numbering, which could merely take the form of separate numbering systems within each layer. Since the purpose of the discussion in column 4 is to ensure that appropriate acknowledgements are provided, and missing data is retransmitted, there is no hint that the handling of the separate layers might be other than entirely independent.

In the case of column 6, it is true that there is teaching of the need to get the frames in the right order – but there is no teaching of any means for doing so. It is not inherent that there has to be an overall numbering system for this to be possible. For example, since Paul's layers are I, P and B-frames, if the multiplexer knows what sequence of I, P and B frames is in use, and has sequence numbers for the separate layers, this would enable it to reconstruct the correct overall sequence – under perfect conditions.

Attention is also drawn to new dependent claims 11-20 which are believed to add further patentable distinctness to earlier parent claims.

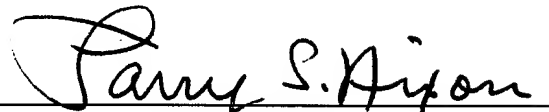
DALBY et al  
Appl. No. 09/806,576  
April 15, 2005

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

A handwritten signature in cursive script, reading "Larry S. Nixon", written over a horizontal line.

Larry S. Nixon  
Reg. No. 25,640

LSN:vc  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100